

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SADE COKER,

Plaintiff,

-against-

GOLDBERG & ASSOCIATES P.C. and
JULIE GOLDBERG,

Defendants.

Case No. 21-cv-01803 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On November 21, 2022, after several submissions from the parties, and a letter from Katherine M. Zagone, ND, the Court granted Defendants' request to stay Defendant Julie Goldberg's deposition until January 29, 2023. ECF No. 58. In that Order, the Court noted that it was unlikely to grant further extensions. Now before the Court is Defendants' request, dated January 31, 2023, to continue the stay in light of the re-scheduling of a surgical procedure, until February 28, 2023. ECF No. 58. That submission again attaches a letter from Defendant's treating health care professional, Katherine Zagone, stating that Ms. Goldberg should remain on leave through February 28, 2023. *Id.* To date, Plaintiff has not provided the Court with her position. However, in light of Plaintiff's prior opposition to any stay in this action (*see* ECF No. 57), the Court will assume for purpose of this Order that Plaintiff opposes the request.

The Court is wary of the prolonged nature of this litigation, which was filed almost two years ago, in March 2021. Nevertheless, as stated in the Court's November 21, 2022 Order, absent evidence to the contrary, the Court must assume that Ms. Goldberg, Defendants' counsel, and Katherine Zagone have complied with their obligations under Federal Rule of Civil Procedure 11 and are requesting this stay for legitimate medical reasons and not in order to cause

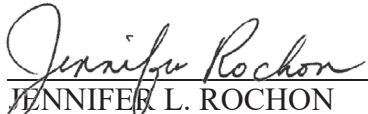
unnecessary delay in these proceedings. Therefore, Defendants' request for a further stay of Ms. Goldberg's deposition until after February 28, 2023, and to adjourn the associated discovery deadline is GRANTED.

IT IS HEREBY ORDERED that Ms. Goldberg shall sit for a deposition on **March 7, 2023**. The Court is unlikely to grant further extensions, but to the extent Defendants do seek even a minor extension, they shall first confer with Plaintiff about options to proceed with the deposition remotely and/or with reasonable accommodations for Ms. Goldberg's medical condition.

In light of the foregoing, the post-discovery pretrial conference previously scheduled for March 6, 2023 is adjourned to **April 10, 2023**, at 11:00 a.m. in Courtroom 20B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007.

Dated: February 3, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge